AMENDMENTS TO THE DRAWINGS

The attached “Replacement Sheets” of drawings, which include Figures 1-17, replace the original sheets, including Figures 1-17. No changes were made in any of the Figures.

Attachment: Replacement Sheets

REMARKS

Claims 1-22 are now pending in the application. Claim 22 is new and fully supported by the specification and drawings as originally filed. As such no new matter was added. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

DRAWINGS

The drawings stand objected to for certain informalities. Applicants respectfully submit that the original drawings were informal in terms of drafting quality and have attached formal drawings for the Examiner's approval. No changes were made to the figures.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hotchkiss et al (U.S. Pat. No. 5,102,411). This rejection is respectfully traversed.

Hotchkiss et al discloses a dynamic joint support having a pair of hinges for pivoting an elbow joint:

> The support includes a pair of hinges 14 which are collinear or aligned with the kinematic axis of the elbow as shown by center line 16 (see FIG. 2). This alignment can be accomplished through the use of an X-ray machine (not shown) which can center the hinge through radio-opaque cross hairs 18 provided in a central window 20 formed in the hinge 14, which is transparent to X-rays.
>
> Each hinge 14 includes a pair of fitted plates 22, 24 which are adapted to rotate relative to each other and are respectively connected to arcuate members 30, 32 (FIG. 7). The connection of the rotating plates 22, 24 to the arcuate members 30, 32 may be direct, as shown in FIGS. 6 and 7, or indirect, through radially-extending arms 26, 28 as shown in FIG. 14.

See column 3, line 66 to column 4, line 13. The arcuate members 30, 32 do not and cannot circumscribe the bone because the arcuate segments are connected to rotating plates 22, 24, either directly (FIGS. 6 and 7) or with radial arms 26, 28 (FIG. 14)

In contrast, the present teachings provide a frame assembly with two arc segments attachable to a bone for relative rotation about a rotation axis substantially parallel or substantially coincident to a longitudinal axis of the bone, rather than rotation about a kinematic axis of joint, which is perpendicular to the longitudinal axes of the associated bones, as Hotchkiss et al discloses.

Accordingly, and regarding independent claim 1, Hotchkiss et al fails to disclose, inter alia, a second arc segment rotatably coupled to a first arc segment for controlled relative rotation about a rotation axis defined by the first and second arc segments, the first and second arc segments couplable to the bone for at least partially circumscribing the bone, such that the rotation axis is substantially parallel the longitudinal axis of the bone, and wherein the frame assembly defines an opening at the rotation axis for receiving the bone. Further, the arcuate members 30, 32 of Hotchkiss et al cannot be arranged to circumscribe the bone and be received in an opening of the arcuate members 30, 32, because the arcuate members 30, 32 are connected to rotating plates 22, 24 which obstruct the opening that would receive the bone, thereby teaching away from such use. As discussed above, the arcuate members 30, 32 rotate about an axis that is aligned with the kinematic axis of the joint by using radio-opaque cross-hairs, and therefore, the arcuate members pivot about an axis substantially *perpendicular* to associated longitudinal axes of the bone.

Accordingly, claim 1 is not anticipated by Hotchkiss et al. Claims 2-14 ultimately depend from claim 1 and, at least for this reason, are also not anticipated by Hotchkiss et al.

Regarding independent claim 15, Hotchkiss et al fails to disclose, inter alia, coupling the frame assembly to the bone such that the first and second arc segments at least partially circumscribe the bone and the bone extends substantially along the rotation axis of the first and second arc segments, and rotating the first arc segment relative to the second arc segment about the longitudinal axis of the bone. As discussed above, the arcuate members 30, 32 of Hotchkiss et al cannot be attached to circumscribe the bone and do not rotate relative to one another about the longitudinal axis of the bone. Instead, the arcuate members 30, 32 rotate about a pivot axis of the joint, which is substantially *perpendicular* to the longitudinal axes of the bones associated with the joint. See FIGS. 5 and 14.

Therefore, claim 15 is not anticipated by Hotchkiss et al. Claims 16-19 ultimately depend from claim 1 and, at least for this reason, are also not anticipated by Hotchkiss et al. Further, Hotchkiss et al fails to disclose the additional limitation of dependent claim 16 to the effect that the first arc segment is rotated relative to the second arc segment within a plane *perpendicular* to the longitudinal axis of the bone. The plane of rotation of the arcuate members is substantially parallel to the bones associated with the joint. See FIGS. 5 and 14. Similarly, Hotchkiss et al fails to disclose the additional limitation of dependent claim 17 to the effect that the center of curvature of the first arc segment is positioned along the longitudinal axis of the bone.

Regarding independent claim 20, Hotchkiss et al fails to disclose, inter alia, concentrically coupling a first arc segment to a second arc segment for rotation about a rotation axis, and circumscribing at least partially the bone with the first and second arc segments such that the rotation axis is substantially coincident with the longitudinal axis of the bone, for the reasons already discussed above.

Therefore, claim 20 is not anticipated by Hotchkiss et al. Claim 21 depends from claim 1 and, at least for this reason, is also not anticipated by Hotchkiss et al.

Reconsideration and withdrawal of the rejection of claims 1-21 is respectfully requested.

NEW CLAIM

Claim 22 is new and fully supported by the specification and drawings as originally filed. Support can be found, for example, in paragraph [0055]. As such no new matter was added. Claim 21 depends from claim 1 and, at least for this reason, and the reasons discussed in connection with claim 1, is not anticipated by Hotchkiss et al. Applicants respectfully submit that claim 21 is in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 20, 2007

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